



04-22-02

16 MP  
Box 500  
Patent

Attorney Docket: 266/118

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

)  
Group Art Unit: Not Yet Assigned

Inventor: Stanton, et. al.

)  
Examiner: Not Yet Assigned

Serial No.: 10/043,615

)  
)

Filed: January 8, 2002

)  
)

For: BASE-MODIFIED NUCLEOTIDES  
AND THEIR USE FOR POLYMORPHISM  
DETECTION

)  
)  
)

### TRANSMITTAL OF MISSING PARTS

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Box Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

#### I. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f)**, which was mailed by the Patent Office on February 19, 2002, enclosed are:

Response To Informality Notice

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#### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to U.S. Patent and Trademark Office, 2011 South Clark Place, Customer Window, Box Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

EL550291786US

Express Mail Label No.

April 19, 2002

Date of Deposit

Leizel M. Galon

Name of Person Mailing Paper

Leizel M. Galon

Signature of Person Mailing Paper

- Sequence Listing
- Disk re Sequence Listing
- Declaration
- Power of Attorney:  Separate or  Combined with Declaration
- Assignment and PTO Form 1595 of the invention to Variagenics, Inc. filed under separate cover. Copy enclosed.
- A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)
- Substitute Drawings
- Return-Reply Postcard

## II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$200.00	\$400.00
<input type="checkbox"/> three months	\$460.00	\$920.00
<input type="checkbox"/> four months	\$720.00	\$1,440.00
<input type="checkbox"/> five months	\$980.00	\$1,960.00

### Fee

- If any extension fee is required, please consider this a petition therefor.

## III. FILING FEES

- Applicant claims small entity status pursuant to 37 CFR 1.27.

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### BASIC FILING FEE:

Total Claims	-	20	=	0	x	\$18.00	\$0.00
Independent Claims	-	3	=	0	x	\$84.00	\$0.00

Patent  
Attorney Docket: 266/118

Multiple Dependent Claims	\$280	(if applicable)	<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)	<input checked="" type="checkbox"/>	\$130.00
<b>TOTAL OF ABOVE CALCULATIONS</b>				
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.			<input checked="" type="checkbox"/>	\$65.00
Extension of Time (from above)				\$0.00
Assignment – \$40 (if applicable)			<input type="checkbox"/>	\$0.00
<b>TOTAL FEES SUBMITTED HEREWITH</b>				<b>(\$65.00)</b>

**IV. METHOD OF PAYMENT OF FEES:**

- A check in the amount of \$65.00 is enclosed to cover the above fee(s).
- Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \_\_\_\_\_.
- The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP



By:

Bernard F. Rose  
Reg. No. 42,112



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Vincent Stanton, et al.

Serial No.: 10/043,615

Filed: January 8, 12002

For: Base-modified Nucleotides and  
Their Use For Polymorphism Detection

) Group Art Unit: Unassigned

) Examiner: Unassigned

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**RESPONSE TO INFORMALITY NOTICE**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Box Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

With the Notice to File Missing Parts of Nonprovisional Application in the above-identified application were the two following notices of informalities that required correction:

**Drawings**

The drawings were found to not be in compliance with 37 CFR § 1.84 in that the margins on some of them were incorrect.

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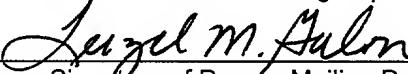
**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the U.S. Patent and Trademark Office, 2011 South Clark Place, Customer Window, Box Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

EL55029186US  
Express Mail Label No.

Leizel M. Galon  
Name of Person Mailing Paper

April 19, 2002  
Date of Deposit

  
Signature of Person Mailing Paper

## Response

The drawings have been revised to incorporate the proper margins. A copy of the revised drawings is enclosed. It is requested that the current drawings be replaced with those enclosed.

## Sequence listing

The application was noted to include nucleotide sequences of more than 10 nucleotides in length. It was then stated that the application fails to comply with the requirements of 37 CFR §§ 1.821 – 1.825.

## Response

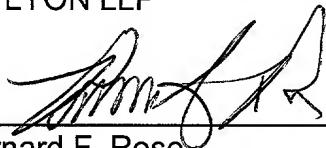
A diskette containing a computer readable form of the sequences set forth in the specification is enclosed. A paper copy of the sequences on the diskette is also enclosed. The sequences on the diskette and the paper copy are identical to one another and to the sequences in the specification. No new matter is presented. It is requested that the paper copy of the sequence listing be entered as part of the application.

## CONCLUSION

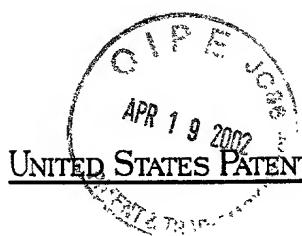
Applicants believe that this application is in condition for allowance and respectfully request that it be passed to issue.

Applicants do not believe that any fee is due with this response. If this is incorrect, the Commissioner is authorized to charge the amount due to LYON & LYON, LLP Deposit Account No. 12-2475.

Respectfully submitted,  
LYON & LYON LLP

Dated: 9/19/02  
By:   
Bernard F. Rose  
Reg. No. 42,112

633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
Phone: 408-993-1555



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/043,615	01/08/2002	Vincent P. Stanton	266/118

## CONFIRMATION NO. 6401

22249  
 LYON & LYON LLP  
 633 WEST FIFTH STREET  
 SUITE 4700  
 LOS ANGELES, CA 90071

## FORMALITIES LETTER



\*OC000000007491512\*

Date Mailed: 02/19/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/24/2002 BABRAHAI 00000021 10043615

01 FC:205

65.00 OP

### FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the

"Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at  
[patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE